IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR. BILAL NAZKI,

THE ACTING CHIEF JUSTICE

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO : 795 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/03/2005 in WP NO : 3960 OF 2005 on the file of the High Court.)

Between:

Blue Moon Hotels Private Limited, 6-3-1186/A, Begumpet, Hyderabad rep., by its Managing Director, G.Vittal, s/o Ramalingam, r/o Hyderabad.

..... APPELLANT

AND

1 The Commissioner, Employees Provident Fund,

Bhavishyanidhi Bhavan, Barkatpura, Hyderabad-

27.
2 The Assistant Commissioner, C&R Circle-II,

Employees Provident Fund, Bhavishyanidhi Bhavan,

Barkatpura, Hyderabad-27.

3 The Recovery Officer, Employees Provident Fund,

Bhavishyanidhi Bhavan, Barkatpura, Hyderabad-

27.

.....RESPONDENTS

Counsel for the Appellant:MR.CH.VENKAT RAMAN

Counsel for the Respondents : MR.R.N.REDDY

The Court made the following :

JUDGMENT (Per Hon'ble the Chief Justice)

Heard the learned counsel for the parties.

2. This writ appeal is filed against the order of the learned single Judge in W.P.No.3960/2005 dated 2.3.2005.

3. The writ petition was filed challenging the recovery proceedings. The learned single Judge found that the order was appealable. Therefore, she granted time to the writ petitioner to file an appeal and also directed that appeal be entertained only on payment of 50% of the demand, although under Section 7(O) of Employees Provident Funds and Miscellaneous Provisions Act, 1952 if an appeal is filed, the appellant is obliged to deposit 75% of the demanded amount.

4. We do not think that there is any reason for us to interfere in the discretion exercised by the learned single Judge. Hence the writ appeal is dismissed. No costs.

BILAL NAZKI, HACJ

DR.G.YETHIRAJULU,J

AVS

DATE:19-04-2005

.....REGISTRAR

To

1. The Commissioner, Employees Provident Fund,

Bhavishyanidhi Bhavan, Barkatpura, Hyderabad-

27.

2 The Assistant Commissioner, C&R Circle-II,

Employees Provident Fund, Bhavishyanidhi Bhavan,
Barkatpura, Hyderabad-27.

3 The Recovery Officer, Employees Provident Fund,

Bhavishyanidhi Bhavan, Barkatpura, Hyderabad-

27.

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